

SN. 10/647,900

ATTORNEY DOCKET NO. KIOI:034

REMARKS

Claims 1-6 remain pending in this application for which applicant seeks reconsideration. This reply contains no amendment.

Art Rejection

Claims 1-6 were rejected under 35 U.S.C. § 102(b) as anticipated by Morishige (USP 5,092,198). Applicant traverses this rejection because Morishige would not have disclosed at least the primary pulley torque capacity calculating means as set forth in claim 1.

Claim 1 calls for a primary hydraulic pressure sensor for detecting primary pressure, a secondary hydraulic pressure sensor for detecting secondary pressure, pulley reverse rotation detecting means for detecting reverse rotation of the pulleys, primary pulley torque capacity calculating means for calculating the torque capacity of the primary pulley from the primary pressure, and pulley reverse rotation time control means for performing a predetermined control on the basis of the torque capacity of the primary pulley when the reverse rotation of the pulleys is detected. As claimed, the primary pulley torque capacity calculating means calculates the torque capacity of the primary pulley on the basis of the secondary pressure detected by the secondary hydraulic pressure sensor when the primary hydraulic pressure sensor fails.

Contrary to the examiner's assertion, element 55 of Morishige is a solenoid, not a pressure sensor, and the passage (column 23, lines 30-39) relied upon by the examiner has nothing to do with a pressure sensor failure, but rather with abnormal gear shifting. Indeed, Morishige is directed to minimizing the abnormal gear change condition. In Morishige, when the abnormal gear change condition is predicted, the solenoid 55 is turned OFF to maintain the current gear ratio. Accordingly, Morishige would not have disclosed or taught the claimed primary pulley torque capacity calculating means as set forth in claim 1.

Moreover, Morishige would not have disclosed or taught the pulley reverse rotation detecting means for detecting the pulley reverse rotation as set forth in claim 1. The examiner asserts that a primary revolution sensor 83 corresponds to the claimed pulley reverse rotation detecting means. Morishige's sensor 83, however, cannot function as claimed. That is, Morishige's sensor 83 cannot distinguish between forward and reverse rotation. Accordingly, claim 1 would have further distinguished over Morishige.

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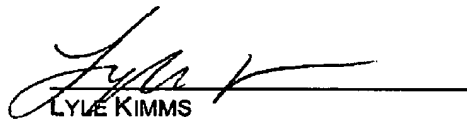
Conclusion

Applicant submits that this application is in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

01 FEBRUARY 2006
DATE


LYLE KIMMS

REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

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